UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,933	06/04/2001	Robert M. Lund	09775810-0035	3347

28863 7590 07/13/2007
SHUMAKER & SIEFFERT, P. A.
1625 RADIO DRIVE
SUITE 300
WOODBURY, MN 55125

EXAMINER	
TAYLOR, BARRY W	
ART UNIT	**PAPER NUMBER**
2617	
MAIL DATE	**DELIVERY MODE**
07/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/873,933	LUND ET AL.	
	Examiner	Art Unit	
	Barry W. Taylor	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,37,39-41,43,44 and 47-63* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,37,39-41,43,44 and 47-63* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/23/07 5/9/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1- 2, 37, 39-41, 43-44 and 48-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mulcahy et al (6,002,746 hereinafter Mulcahy) in view Vitale et al (2004/0254757 hereinafter Vitale).

Regarding claims 1, 49, 56 and 63. Mulcahy teaches a subscriber unit and method for correlating a subscriber unit to a physical port in a point-to-point or to a point-to-multipoint network (title, abstract) comprising:

prompting an installer to manually input a location code associated with the subscriber unit (col. 7 lines 64-67);

receiving the location code in the subscriber unit (col. 7 lines 64-67);

transmitting the location code via the network to a central repository (col. 7 lines 29-32); and

storing the location code in the central repository to associate the location code with the physical port (col. 8 lines 7-9).

According to Applicants newly amended claim language, Mulcahy fails to teach transmitting the location code and a subscriber unit identifier to a central repository (see

Amendment and remarks, paper dated 11/01/05 and comments appearing at the bottom of page 10, paper dated 11/7/06).

Vitale teaches a testing arrangement for a communications network (title, abstract). Vitale teaches an automated mechanism for technicians located remotely from a central controller to query the central controller for test parameters to be remotely downloaded into the remote tester (see figure 1, paragraphs 0012 - 0016). Vitale discloses that subscriber sites (see 22a bottom left side of figure 1) have configurations that are different (paragraphs 0035 – 0036) than subscriber stations located in different geographic locations (see 22b bottom right side of figure 1). For example, as can be seen from figure 1 subscriber site 22a is connected to the central control (item 32 figure 1) via node 16, taps 20 and drop loops 21 which are completely different from the nodes 16, taps 20 and drops 21 required for subscriber site 22b located at a different geographic area. Vitale discloses that technicians only need to enter work order identification information which may be any information from which the central controller (item 32 figure 1 and item 44 figure 2) may discern a unique work order (i.e. work order ID information may comprise the actual work order number, the customer identification, the street address, or even GPS coordinate which clearly reads on geographic information). Vitale discloses that the technician sends the work order information to the central controller (paragraphs 0112 – 0113) and waits for the central controller to correlate geographic information with a set of test parameters to be sent back to the technician to use for testing (paragraphs 0083 - 0098) thereby providing for a more flexible tester that can be automatically configured to test subscriber stations

located in different geographic areas wherein each subscriber station having different operating parameters (paragraphs 0013, 0014, 0016, 0017, 0035, 0036, 0041, 0042, 0043, 0045, 0054, 0055).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Vitale into the teachings of Mulcahy in order to allow technicians to simply input work order identification information from any remote location and receive a unique set of test parameters which are automatically downloaded to the remote tester providing a more efficient manner to test the network as disclosed by Vitale (paragraphs 0012, 0013, 0014, 0035, 0036).

Regarding claim 2. Mulcahy teaches checking the location code for errors before storing (col. 8 lines 1 1-13); upon finding an error, transmitting an instruction to the subscriber unit to indicate error to the installer (col. 8 lines 14-22), and upon finding no errors, storing the location code (col. 7 lines 29-32).

Regarding claim 37. Vitale teaches the work order permits identification of network service parameters associated with the subscriber unit (paragraphs 0112 – 0113, paragraphs 0083 - 0093).

Regarding claims 39, 50 and 57. Mulcahy teaches receiving the location code in the subscriber unit (col. 7 lines 64-67).

Regarding claims 40, 51 and 58. Mulcahy teaches prompting an installer to manually input a location code associated with the subscriber unit (col. 7 lines 64-67).

Regarding claims 41, 52 and 59. Mulcahy teaches test set used by craftsperson (see 18 figure 4).

Regarding claims 43, 53-54 and 60-61. Vitale teaches moving picture data, which clearly reads on video (see at least paragraphs 0032 - 0036).

Regarding claims 44 and 55. Mulcahy teaches checking the location code for errors before storing (col. 8 lines 11-13); and upon detection of error in the location code, transmitting an instruction to the subscriber unit to indicate error to the installer (col. 8 lines 14-22).

Regarding claim 48. According to Applicants newly amended independent claim language, Mulcahy fails to teach transmitting the location code and a subscriber unit identifier to a central repository (see Amendment and remarks, paper dated 11/01/05 and comments appearing at the bottom of page 10, paper dated 11/7/06).

Therefore, it follows that Mulcahy does not show correlating the subscriber unit with the geographic location.

Vitale teaches a testing arrangement for a communications network (title, abstract). Vitale teaches an automated mechanism for technicians located remotely from a central controller to query the central controller for test parameters to be remotely downloaded into the remote tester (see figure 1, paragraphs 0012 - 0016). Vitale discloses that subscriber sites (see 22a bottom left side of figure 1) have configurations that are different (paragraphs 0035 – 0036) than subscriber stations located in different geographic locations (see 22b bottom right side of figure 1). For example, as can be seen from figure 1 subscriber site 22a is connected to the central control (item 32 figure 1) via node 16, taps 20 and drop loops 21 which are completely different from the nodes 16, taps 20 and drops 21 required for subscriber site 22b

located at a different geographic area. Vitale discloses that technicians only need to enter work order identification information which may be any information from which the central controller (item 32 figure 1 and item 44 figure 2) may discern a unique work order (i.e. work order ID information may comprise the actual work order number, the customer identification, the street address, or even GPS coordinate which clearly reads on geographic information). Vitale discloses that the technician sends the work order information to the central controller (paragraphs 0112 – 0113) and waits for the central controller to correlate geographic information with a set of test parameters to be sent back to the technician to use for testing (paragraphs 0083 - 0098) thereby providing for a more flexible tester that can be automatically configured to test subscriber stations located in different geographic areas wherein each subscriber station having different operating parameters (paragraphs 0013, 0014, 0016, 0017, 0035, 0036, 0041, 0042, 0043, 0045, 0054, 0055).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Vitale into the teachings of Mulcahy in order to allow technicians to simply input work order identification information from any remote location and receive a unique set of test parameters which are automatically downloaded to the remote tester providing a more efficient manner to test the network as disclosed by Vitale (paragraphs 0012, 0013, 0014, 0035, 0036).

Regarding claim 62. Mulcahy teaches subscriber unit is located at subscriber location (see col. 8 lines 7-9 wherein CLI is typically used to physically identify subscriber units).

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mulcahy et al (6,002,746 hereinafter Mulcahy) in view of Vitale et al (hereinafter Vitale) further in view of Kennedy et al (6,163,594 hereinafter Kennedy).

Regarding claim 3. Mulcahy in view of Vitale fail to show prompting the installer to reinput the location code. However, Mulcahy discloses that if an error is detected, the operator can instruct a field engineer (i.e. installer) to perform appropriate operations to correct the error (col . 8 lines 1 9-22).

Kennedy allows the craftsperson to re-input the location code (col. 2 lines 51-60, col. 3 lines 33-66, col . 7 lines 39-41 , col. 10 lines 1-3, lines 29-31 , see "reentering the correct directory number" in column 11).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Kennedy into the teachings of Mulcahy and Vitale to allow the technician the opportunity to perform appropriate operations to correct the error.

3. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mulcahy et al (6,002,746 hereinafter Mulcahy) in view Vitale et al (2004/0254757 hereinafter Vitale) further in view of Pezzutti (2002/0032765).

Regarding claim 47. Mulcahy in view of Vitale do not use the term serial number.

Pezzutti teaches that technicians simply enter work order number and serial number of the faulty equipment to be replaced and the network will recognize the work

order number and serial number when it reprovisions the faulty piece of equipment that is servicing the particular customer (paragraph 0197).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Pezzutti into the teachings of Mulcahy in view of Vitale in order to allow the network the ability to correlate work order with faulty equipment that needs to be reprovisioned.

Response to Arguments

4. Applicant's arguments with respect to claims1-3, 37, 39-44, 47-63 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Thursday, 6:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost, can be reached at (571) 272-7872. The central facsimile phone number for this group is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Centralized Delivery Policy: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the central fax number **(571-273-8300).**

Barry W. Taylor
Art Unit 2617

7/5/07

BARRY TAYLOR
PRIMARY EXAMINER